

Announcer: You are listening to the HR Bartender Show, a casual place to talk about all things work. Here's where you get practical advice about how to be a better employee, manager and leader in today's workplace. So grab your favorite beverage, pull up a stool, and join us in the conversation. The bar is always open. Now, here's your host, Sharlyn Lauby.

Sharlyn Lauby: Hi everyone, and thanks for being here. I'm your host Sharlyn Lauby, author of the blog HR Bartender. Before I introduce today's guest, I'd like to take a moment to thank this season's sponsor, Case IQ.

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Sharlyn Lauby: Season three of the HR Bartender Show is focused on ethics and I am delighted to speak with today's guest. Dr. Christopher Bauer is a clinical psychologist by training. However, for over 30 years, he has worked as a speaker, trainer, author, and consultant on professional ethics. His clients have run the gamut from small and medium-sized organizations to every level of staff and management at Fortune 500 corporations.

His articles on how to build and maintain great ethics in the workplace have appeared in such journals such as CEO Refresher, CFO Magazine, Financial Executive, Internal Auditor, and many other print and online publications for a wide variety of professions. He also publishes a free weekly ethics spot that's seen by thousands of readers worldwide, and I'll be sure to leave a link for that so that you can subscribe in the show notes.

Because of his unique contribution to the prevention of ethics problems, Dr. Bauer has been recognized with the Certified Fraud Specialist designation by the Association of Certified Fraud Specialist. He's also earned the certified speaking professional designation from the National Speakers Association, which is the highest earned designation offered by the world's largest organization of professional speakers.

His keynotes and seminars have made the usually dry topic of ethics in the workplace, and those are his words, not mine, I'm just reading that just so you guys know, not only fun, but more importantly both practical and profitable for organizations around the globe. Chris, thank you so much for being here. I'm looking forward to our conversation.

Christopher Bau...: Likewise. Thanks for having me.

Sharlyn Lauby: So the theme for this season is ethics, and one of the things that I like to do is ask everybody the same question. So here it is. While you don't need to give me

any specific situations, what's one thing that you do or you think about when you're faced with an ethical dilemma?

Christopher Bau...: If you'll have me, I would actually suggest three things to think about, much so I might wish to have narrowed it down to one at some point in my life. Here's what goes through my mind, whether this is something that is a dilemma for me or, as happens regularly when people bring their dilemmas to me. The first one is whether or not in fact, it's actually an ethical dilemma, because one of the things that I see over and over and frankly, particularly in the HR world is that when someone has or says they have an ethics dilemma, what they really have is some kind of policy and procedure that annoys them and they have to do it anyway. That's a problem, but it's not an ethical dilemma.

So if it passes muster as far as actually not being that, then the next question I ask myself or whomever is whether or not in fact this is a legal or compliance question, which is the other thing that these very frequently are.

And if that's the case, then it needs to be dealt with as a legal and compliance issue rather than an ethics issue. In my experience, what is the relatively unlikely case that then passes that step? And it's something where truly it is a matter that there is some sort of cost, not necessarily a literal cost, but it could be a literal cost or an emotional cost or an organizational cost. If you turn left, turn right, go up the middle, which is kind of the definition of a dilemma. Then where I want to refer myself or refer them to is what are the stated values of the organization? Admittedly, and this is a conversation we can have some other time if that would make more sense, most organizations really don't have well-stated values. What they have is often a nicely written PR document that talks in lofty terms about what they think their values are supposed to be.

But if in fact they've done the incredibly hard work of deciding what their most important, most consistent priorities are, which is how I frankly define organizational values, sort of my own shorthand, then that should provide a roadmap for people to make a decision when there is a true ethical dilemma. What's the most important thing I need to think about? What's the next important thing? And that is amazing how many problems that solves. My overused comment about that is it doesn't guarantee that someone will make the best decision, but it absolutely guarantees someone will make the best decision they can at that time with the information that's available, and that's huge.

Sharlyn Lauby: It's interesting that you were talking about organizational values, because I agree with you. There are companies out there that have turned their values into what I call sexy marketing copy. You and I could have a whole nother conversation about organizational values and all of that.

Christopher Bau...: I look forward to it.

Sharlyn Lauby: But I wanted today to talk specifically about ethics training.

Christopher Bau...: Yeah, absolutely.

Sharlyn Lauby: Companies create codes of conduct, they create codes of ethics, but I think there needs to be more than simply here's the document, read it, sign it. There needs to be more than that. How can HR professionals help sell the organization in investing in ethics training?

Christopher Bau...: I would love to give a great answer to this. If I had a great answer, I would probably work dramatically more than I do, but I'm happy to at least share the best non-great couple of answers that I have. There is huge resistance to ethics training in organizations of all types and sizes, and that comes from a couple of things primarily. I mean, there's a long list, but the two that I run into the most is number one, ethics is the only topic I can think of that everyone says immediately, and in a heartfelt tone, this is so important for those people across the street. Everyone thinks that we're fine, we're doing okay, we don't have problems, or they don't want to admit there's problems.

So that's one form of resistance. The other is that most people, and this is a generalization, but it's a generalization that holds up in my experience, think they want ethics training and what they really want are legal updates and compliance training, and they come by that honestly, right? Because that's where the gravity is. That's where regulators come in. That's where fines come in. That's where more often than not, there's going to be pushback from the community in terms of whether people are towing the mark or not.

And so ethics and compliance tend to get very confused very quickly, and when you tease out the part that is ethics, and here we go back to values again, a lot of people tend, a lot of organizations tend to think of it as kind of a feel-good exercise as opposed to paying attention to the real strategic and financial value. And that, in my experience, if you're going to get their attention and make a case for effective ethics, training is the most likely place to do that. So one of the things to do is to sort of move it away from that sort of feel-good way of talking about ethics and talk about, for example, some statistics.

There is a figure that floats around pretty regularly from the Association of Certified Fraud Examiners that talks about organizations typically losing five to 7% of their bottom line every year to financial fraud and abuse. Now, there's very good reason to believe that that is a wildly inflated figure. However, remember the fraud and abuse is just one very tiny piece of the pie when it comes to ethics. I mean, ethics is dramatically broader than that. And when you add in all the other types of potential ethics issues, suddenly five to 7% percent of the bottom line is not really an outlandish figure whatsoever.

When you include, again, even without being wildly brought about your definition, but if you include all the things that an employee might find

actionable, all the things that the community might find actionable, reputational damage, and all the costs that come with that. Another figure that I find is compelling is when you think about potential employee actions around some sort of an ethics issue or being treated inappropriately. I don't know what figures you see, the last figures that I see is a modal cost across organizational sizes of about \$300,000 per action to include legal fees and settlement costs and lost productivity because of having to let someone go, rehiring, retraining fees, all that kind of stuff.

Some people consider my fees pretty high. I don't personally. But if I say, look, if one incident potentially is going to cost you \$300,000. High though you may think my fees are, the fees of other people doing what I do, it's not going to be \$300,000. And if it saves just one of those over the lifetime of your organization, it's paid for itself multiple times over. And I find that kind of discussion from HR or from a CFO, from a COO tends to be more compelling other than in organizations who want to see the cost of ethics problems as a cost of doing business, and I have yet to come up with a compelling comeback for those folks. I tend to just move on and try and hope that I can find other people that are interested in some sort of training.

Sharlyn Lauby: Well, for those people who are interested in training, when's a good time to conduct ethics training? Ideally, if I am looking at ethics within my organization, maybe right now I kind of look at all the conversation about people coming back into the offices and things like that, this is a great time to be reviewing things. This could also be a great time to put out some ethics training.

Christopher Bau...: Yeah, absolutely. If you don't mind my perverting your question a little bit, I'd answer it through a different window, which is I think one of the things that most organizations of most types and sizes get wrong constantly is that they see ethics training as a thing rather than a process. And so my way of thinking about it is that any time is a good time for ethics training. You have to do it sometime, you have to repeat it. And we can talk about that more as well, what my thinking is behind that if you'd like, but if you think about ethics training as a thing, something someone comes in and does or someone internally does, and then they move on, I think you've kind of missed the point. Not that that's not helpful, it is terrifically helpful, but I think a part of what I want organizations to think about is all... And one of the things I like to talk with both individuals in organizations about is think of the huge number of touchpoints that every organization has as a place where you can reinforce a concept or an idea or a process.

And when you begin to think about ethics as falling into that category of things for which, yes, there's some formative fundamental training you need to have, but then if the goal is to build a culture that supports ethics and for that matter, compliance and accountability as well, then you're really missing the best opportunity you have, which is all that stuff you're doing already. Counseling, coaching, performance appraisals, all that sort of stuff.

I would also say, and this comes back full circle to your question about timing. I think once you really know what your values are, once you really have a clear bead on what constitutes ethical behavior in your organization, why not build that into your job interviews? Why not tell a job applicant? Hey, let me tell you a little bit about what's really important to us here. What's your experience with that? What are your thoughts about that?

Now, they can bluff their way through that just like they can bluff their way through anything, but number one, they probably won't. And number two, how cool would it be if you could begin your ethics training literally in the application process before someone even sets foot in your organization? And then you can build on that through formal ethics training, but every bit as importantly, the informal stuff that you have all these opportunities all year long with employees to use to reinforce the ethics message.

Remembering all the while, and I always feel like I'm stating the obvious here, and then I find out that this is not something that people actually do think about, which is the psychological truism that people do what's reinforced. So it doesn't matter what your training is, it doesn't matter when your training is, unless behavior that is the right behavior by however you define that in your organization. Unless that is noticed and conspicuously reinforced, you're not doing what you can do to build that culture that drives ethics and compliance and accountability.

Sharlyn Lauby: So ideally, I'm going to say this from an HR perspective, we have to have a cadence, if you will, of programs that people go through and we document it for proactive reasons within the organization. We want to show the organization that we're doing certain steps, but you talked about delivering ethics training maybe prior to arrival, i.e. In the form of an interview, maybe asking questions about things that are related to ethics. Obviously, I think one of the most obvious places is to introduce this maybe in an orientation or an onboarding format.

Christopher Bau...: Absolutely.

Sharlyn Lauby: But we can also do refresher things. Which kind of leads me to my next question because I know you do ethics training for a living, and I'm not going to ask you to give away your programs. People need to buy your stuff. But that being said, let's talk a little bit about some of those content-related items when it comes to ethics. If I'm out there shopping for ethics training and I'm thinking about, for example, when I think about refresher training, one of the first things that comes to my mind is that if I could do refresher training in a virtual format or an online format, that could be very valuable to me and I could sell that to the organization to say, Hey, look, I don't have to fly everybody in. I don't have to bring them in the same room. Is ethics training still effective in a virtual format? There are pluses and minuses to a virtual format, and so when we're talking

about this kind of content, maybe you could share the advantages and disadvantages of bringing ethics training online.

Christopher Bau...: Yeah, absolutely. And I think of course, in part, you've answered your own question, which is it has pros and cons, right? There are a few things that come to mind. One is sort of looping back to the first thing we talked about, that it's important for people to differentiate and understand the difference between regulatory ethics and behavioral ethics, cultural ethics, and I think that comes into play here because for the most part, I think that regulatory ethics are a better fit for virtual training because you're more than anything giving information, right? You're giving updates, you're letting people know what the expectations are, what the rules are, what are the potential slaps on the wrist if you don't follow the rules. It's more informational content, and I'm sure there's a better phrase for it, but that's the one that comes to mind. And because of that, it works better virtually.

And not that the other kind of training can't be done virtually, but if you're talking about where the strengths are, I think virtual is much better online. Now, the problem that I have with any of the online training is I've seen it mostly used for those refreshers every six months, every year. And the reality is most of the ones that I've seen are sometimes even literally, and if not, they're figuratively 10 true/false questions that you can't possibly fail because they keep coming around until you get them right, and I don't know anyone in their right mind who actually would call that training. It's something that people that's certainly a check the box thing where you say, well, we gave them a refresher every year. They ought to know. There needs to be a virtual system set up so people really have a chance to flex their ethical thinking, even if it is regulatory in nature, and show that they understand, and understand how it fits into what they do in their job.

That would be one caveat. The other thing that I would say, sort of bridging this to the pros of having in-person ethics training for a variety of other ethics topics is... As with any generality, there are exceptions, but in my experience, for the most part, the folks that are the best at providing regulatory ethics programs, whether it's virtual or in person, are not the folks that are the best at talking about behavioral ethics and vice versa. So segmenting those to some degree based on provider, based on just having separate but related programs. Either way, I think it's a really important thing to consider.

As far as in person, I think there are a few things to look for. One is that it isn't simply an update. In the introduction, I heard you flinch a little bit when I talked about ethics programs not being fun, and the reality is ethics programs have come by their bad reputation honestly. They are typically academic unapplied coma fests with someone up at the front of the room doing a PowerPoint, telling you what you need to do and not need to do. And first of all, that's a, needless to say, at best to turn off to the people in the audience, but I think it also misses the point of what real quotation marks real ethics training needs to

get to, which is giving people ways to solve problems when there's a problem to solve.

If you give them the regulatory stuff, you tell them the rules, that's great. That's foundational. They absolutely have to have that. It absolutely needs to be updated. But I think what competent ethics training does is, number one, it helps people solve problems. Number two, and this is sort of corny sounding, but it's one of the things I always pitch is kind of a litmus test as to whether or not something actually is ethics training or is what most people do, which is training on the rules, and then say they've got ethics covered, is if organizations are taking the time to truly do ethics training and do it well, then not only do people know what the rules are, they ought to have a really good idea about what to do when there isn't a rule for something. And as many rules as there are, and of course, that's a bottomless pit, it seems, there are a whole lot more things for which there are not rules.

So really focusing on ethics and not just the rules gives you a whole lot more bang for the buck. The problems... Again, talking about pushback in terms of live ethics training, and this is going to sound maybe more jaded than it's intended to, although it's intended to sound pretty jaded, I guess, which is that when it comes to live training, particularly outside of the association world, and particularly I would say in the private sector, the small companies say they're too small. The medium companies say they're too medium, and the large companies say that they're too large. Even in my jadedness, I can recognize that all three of those groups have some valid, particularly tactical reasons or financial reasons that makes it hard to bring in live ethics training for everyone.

I mean, I'm not trying to downplay the fact that there's a reality there. However, I think they need to get over it because live training does a few things. First of all, hopefully, with a competent trainer, they're going to get people more interested and engaged than the PowerPoint at the front of the room or the online true/false test, and get people really thinking about what they need to be thinking about to make better ethically informed decisions.

I also think it is hugely important to have eyes in the room. I mean, I think we've all been in training, and we're not just talking about ethics here, where someone provides the information, they provide the ideas, that's great. People walk away from that and go, I didn't really actually understand that, or I'm not really sure how that applies to my job, or, yeah, yeah, that's great, but let us tell you what it's really like in my position or in my department or in this organization, and that doesn't really apply here. And unless you have eyes in the room looking for those dazed looks, looking for the people that are shaking their heads, no, looking for the people that are going to their email on their laptop instead of paying attention and trying to corral them into really understanding things that they can do to make things better. I think you miss a huge, very important opportunity that you can really only get with live training.

And I'll stick out my neck and make myself even less popular here and say, I think that one of the, I won't even say advantages, but needs of having some sort, not just a one shot, one hour to three hour program, and then whoever does the training goes away, some opportunity to come back in, and this could be virtual, certainly. When people have a chance to go back to their jobs and try the stuff on again, there's so many kinds of training, not just ethics, as I said before, where there're great ideas that are pitched to people that just turn out for one reason or another, either not to be practical, they don't really understand it, they run into some roadblock, real or perceived, and it doesn't matter if it's real or perceived, it's still a roadblock.

Having something built in where people can come back and say, help me understand that better, or can say again, yeah, that sounds great where you're sitting, but let me tell you how that works or doesn't work in our organization, and then get a chance to problem solve around that, I think is huge.

Sharlyn Lauby: It's interesting because as you were talking about the different aspects, compliance ethics and behavioral ethics, it made me think about the concepts of team teaching where if you're presenting ethics or if you are going to have training programs around ethics, that it could be very helpful to have a conscious decision to have different instructors with different styles.

Christopher Bau...: 100%.

Sharlyn Lauby: You were talking about that. I go back to the workplace and I get an opportunity to start thinking about things. Can I go back to someone and have somebody to talk to? Which kind of leads me to my next question when we're talking about having somebody to talk to. Should organizations consider having an ethics program specifically for the management team? From an HR perspective, if I'm doing anti-harassment training, I have an anti-harassment program that everybody goes through, managers, all employees go through. But I also have a separate program that's just for managers to talk about their responsibility as a representative of the organization, and it involves different things. When we're talking about things like ethics, do we want to have a program? Should organizations think about having that kind of program specifically for their management and leadership teams?

Christopher Bau...: I'll give you a "yes, but". And the yes is important. That's an important part of the equation. I think if you're not thinking about ethics both strategically and tactically, again, you're missing the boat. And since management team, those are the folks responsible for strategy and depending on who you are, a certain degree of tactics as well. Absolutely. I think there needs to be, or certainly it's helpful to have an additional level talking about that, and here we circle back to values. Those are the folks that are most responsible for really figuring out what are we going to say our values are. So I mean, I think for all those reasons, being able to do some work with management teams as terrifically helpful. The "but" has to do with, I think it is hugely important, number one, that they get the

same training everyone else gets in addition, first of all, so everyone's on the same page.

Second of all, the message that sends when I do programs and there's not a senior manager or usually or often even a middle manager in sight, I think is horribly destructive. I think employees need to see that middle and up management really are hearing the same things in the same way, so they have a common language, so they know they're in it together. So I think they also need to participate in that. I will say I've had a couple of experiences where that has backfired a little bit. It doesn't make me change my mind, but one of the couple of times that comes to mind, I did a couple of programs same morning for a major financial institution. First one, everyone had a great time, lots of questions, lots of interaction, by my estimation and theirs, super well. The second one, president, CEO, VP for HR, COO, I think also came into the program.

You would never know it was the same program with the same organization. People were just like dead quiet. If I said something at least trying to be funny, everyone would look at the senior managers first to see whether or not it was okay to laugh. It chilled the entire program. Now, I will say mercifully, that's the rare exception in my experience rather than the rule. But I mean, it would be dishonest to me not to acknowledge. I've had things like that happen a couple of times. For the most part, I think employees, line employees from, literally or figuratively, the loading docks on up, need to see that senior managers are hearing the same things, getting the same messages, and frankly are held to the same level of accountability as they are. And then supplementing that with things that are more specifically focused at a broad strategic level and to whatever degree tactics come into play. I think that's a terrific thing too, but it should be supplemental, not in place of.

Sharlyn Lauby: I have to tell you a story and then we'll try to wrap up our time together, but I worked for a company that we used to do training, and if you have a training program for employees who are used to being up and around all the time, we would put fidget toys on the tables where everybody was sitting as a way just to give you something to do. You know, didn't stare at your phone, but you had a little something to... It wasn't enough to distract you, but it was enough to keep your hands busy.

Christopher Bau...: Yeah, yeah, terrific.

Sharlyn Lauby: We would do this fidget toy thing in training, and my boss, who was the president, loved playing with these fidget toys. So he would come into training, he would wander into training, and he'd grab the fidget toys and he'd hang out because he loved playing with the fidget toys. The senior executives would come in to play with the toys, and it was kind of funny because any other time, I hate to say it, I couldn't get them to come into training to save my life, but if I had fidget toys, they were there and-

Christopher Bau...: Whatever gets you there.

Sharlyn Lauby: I think just the whole idea that they came in to play with the toys and they were kind of showing this side of them that the employees didn't get a chance to see before. It was just funny, and they would ask questions and the employees would interact with them, so it was just-

Christopher Bau...: I love that. I love that.

Sharlyn Lauby: It was just kind of this neat thing. So fidget toys, so there you go.

Christopher Bau...: All right. All right.

Sharlyn Lauby: But our last question again, our last question.

Christopher Bau...: Okay.

Sharlyn Lauby: One of the things that I see legislatively, society, ethics are changing, which means that as ethics change, a company's code of ethics might change over the course of time. What's something that an organization should consider when they're thinking about this in the context of updating their ethics training to reflect a change?

Christopher Bau...: Here's a couple of things. I would start by admittedly challenging one of the assumptions behind the question in the following way. If you need to update your ethics code because there's a change in legislation, it probably means your ethics code is based exclusively on regulatory issues, right? So yes, legislation changes. Your code of conduct potentially has to change, your list of rules, your policies and procedures have to change to reflect it. Does your ethics code have to change because of that? I don't know that it necessarily does, because an ethics code should again focus on what are the enduring most important, most consistent priorities in this organization, again, which I'm choosing to call values, and if those change because of legislation, I'm guessing you're in some kind of trouble. Now, that said, that doesn't mean that ethics codes don't have to be updated, even if they're not simply a regulatory document.

I put them in the same category as all those policies and procedures that every organization has that were written 40 years ago, and no one has seen them since, right? They no longer apply, the language no longer feels coherent with the rest of the organization. There are changes to maybe not even regulations, but the way the organization works. Someone somewhere, some group of people needs to go through those things and really think long and hard about, is this really who we are at this point in time? And if it's not who you are at that time, whether it's those dusty policies and procedures in the manual or the ethics code, update it. I don't have a particular amount of time that I have in mind. I think it's going to be maybe different in different organizations, but I

would say if you've gone five years without taking a hard look at it, that's probably a really long time.

And in some organizations, if there is some sort of ethics or oversight committee, an annual review, it doesn't have to be a painstaking, painful process. It means looking at it and really thinking about, is this who we are? And if this is not who we are, then the question, and this is a critically important one for those folks, is does this mean we need to change the ethics code or we need to change our behavior?

And you're not going to be able to ask that question unless you are, with some regularity, whether it's every year, two, three, again, five at the absolute maximum, and hopefully far more frequently than that unless you are taking that time regularly to review the ethics code and think about, is this us? Is it not us? If it's not us, what needs to change the code or us? And I think that is a super valuable process for organizations to go through, regardless of size.

Sharlyn Lauby: We could spend like the rest of the day talking about values and ethics and the processes that organizations need to put in place. But I have to say it has been such a delight chatting with you. Listeners, please give a big thanks and cheers to Chris for sharing his knowledge and experience with us. If you want to connect with him, I'll be sure to put his contact information in the show notes, but also, please don't leave just yet. I'm looking forward to sharing with you some of my takeaways from our conversation after a quick break.

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Sharlyn Lauby: Welcome back, everyone. One of the things that I continue to think about in the conversation with Dr. Bauer and ethics training is a statement that I learned a long time ago from ATD, the Association for Talent Development. I often think of them with the phrase telling isn't training, and when we are thinking about ethics, telling isn't training. And organizations should keep that in mind as they're thinking about putting together their code of ethics or their code of conduct. Not only do we want to tell people what they need to know, but we need to give them opportunities to think about it and talk about it and create those training opportunities. And I liked Dr. Bauer's comment about that continuous learning experience. So this could be something again that we talk about during the interview. This could be something that we talk about during orientation and onboarding.

Is there an opportunity to infuse ethics into existing training programs? For example, our customer service training program, our existing management and leadership development programs. So we have an opportunity to talk about ethics throughout our existing programs, and we have the opportunity to have dedicated ethics training. When it comes to that dedicated ethics training, we can do things in person, we can do things online. I liked Dr. Bauer's conversation about the legal regulatory piece and the behavioral piece, and we have to think about how we're going to bring those two pieces together. Team teaching could be a great way to infuse a little fun, give people different voices to hear, different experiences to talk about when it comes to ethics. And if I'm an employee and I have a question or a concern, if you get multiple people involved in your ethics processes, then I can go to the person that I feel a connection with.

That story about the training where the CEO was sitting in training so people didn't really, employees really didn't want to talk very much. Well, if I'm an employee, where do I go then? And how do I create, I find somebody that I can connect with and say, Hey, I'm concerned about this, and I feel safe asking that question of them, or I feel safe expressing that concern to them. So when we're talking about organizational ethics, there needs to be a training piece, and we need to think it through, that idea of turning this into a process where we can touch upon ethics on a regular basis. Touching upon ethics on a regular basis helps to create that culture of ethics, which is ultimately what we're looking for.

I hope that you enjoyed the session with Dr. Bauer as much as I did. I thought it was fantastic to talk about ethics training. Thanks again for being here. Thanks for listening. We appreciate you, and until next time, have a great day and cheers.

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